



**CITY OF VISALIA PERSONNEL POLICY**  
**Policy #125**  
**Hourly Employment**

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**I. PURPOSE**

To define the classification of hourly employee, the recruitment process, and the conditions and/or benefits related to hourly employment.

**II. POLICY**

**A. Hourly Employee**

An hourly employee is a person who is appointed to an extra help non-allocated position. The hourly employee is paid on an hourly basis for time actually worked and does not attain regular status. Hourly employees do not acquire or accrue tenure or any employment rights with the City, including but not limited to, any property interest in continued employment. Hourly employees are not represented by any employee bargaining unit.

Hourly employment is classified as at-will. The hourly employee or the City can at any time terminate the at-will employment relationship without cause or right to appeal or grievance procedures except as otherwise provided by law.

**B. Work Hour Limitations**

Hourly employees may work no more than 1,000 hours per fiscal year (July 1-June 30) or 960 hours per fiscal year for retired PERS annuitants. Hourly employees may work a maximum of 50 hours per two-week pay period. Any reporting period or scheduled work time exceptions must be approved in advance by the City Manager.

Seasonal aquatics staff may work in excess of 50 hours per two-week pay period during the aquatic season only; the season shall run from March 1<sup>st</sup> through August 31<sup>st</sup>. Seasonal aquatic staff may not work in any other hourly capacity (within the department or any other City department) during the calendar year in which they were employed on a seasonal basis.

**III. RECRUITMENT AND SELECTION**

**A. Requisition**

A department head shall request to fill new hourly positions by submitting a personnel requisition to the Human Resources Division. Requisitions must contain the job duties to be performed, salary to be paid, and justification for the position. Personnel requisitions must be reviewed by Finance and approved by the City Manager or designee prior to hire. Recurring hourly positions must be approved through the budget process annually.

Unless stated otherwise in the requisition or requisition approval, an hourly position is approved for a maximum of 1,000 hours per fiscal year. Should the hourly position become vacant during the fiscal year, a new requisition does not need to be submitted. A new hire may work the remaining approved hours for that fiscal year.

**B. Recruitment**



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Appointing authorities may be authorized to conduct recruitments for hourly positions within their departments after consultation with the Human Resources Division and upon receipt of a personnel requisition approved by the City Manager.

**C. Job Announcement**

The department filling the position will be responsible for creating the job announcement and coordinating any necessary publicity. The job announcement should include information pertinent to the job, including but not limited to its at-will status and work hour limitations, job duties, requirements, qualifications, hourly wage and the application filing deadline.

**D. Application and Qualification of Applicants**

Applications for hourly positions may be accepted at any time by the department filling the position and/or the Human Resources Division. Applications must be completed in full and it is the responsibility of the applicant to demonstrate that he/she meets the minimum requirements for the position as outlined in the job announcement. Knowingly providing false or incorrect information or omitting pertinent information on an application is grounds for disqualification from the recruitment process or termination of employment.

Applications will be screened by the appointing authority to ensure they meet the requirements of the position, and the most qualified applicants in terms of knowledge, skills, and abilities, as stated in the job announcement will be invited to participate in the selection process. Applications may be rejected for any reason listed in the Recruitment and Selection Policy (#104). Applications must be reviewed by Human Resources prior to a hiring offer.

Retention of all applications received will be in accordance with the City of Visalia retention policy.

**E. Examination**

At the discretion of the department, an examination may be conducted to determine the eligibility of applicants for employment. Examinations are based on job-related requirements and may consist of any combination of job-related processes including but not limited to an application review, performance test, written test, and/or interview.

**F. Appointment**

Final appointments may be made only after successful completion of an interview, reference check, criminal history check, pre-employment drug screen, verification of employability, post-offer medical and/or psychological evaluation and/or other required background investigation processes. (Refer to Hiring Process Checklist for Hourly Employees available on the intranet.)



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**G. Orientation**

Hourly employees will participate in a new employee orientation session coordinated by the hiring department. Information covered will include a review of the City's Anti-Harassment, Discrimination and Retaliation Policy, Drug Free Workplace Policy, Safety Program, and department specific manuals and procedures.

**IV. WAGES AND BENEFITS**

**A. Wages**

The hourly wage rate is set by the hiring department based on guidelines approved by the City Manager and the requirements of the job.

Hourly employees do not receive merit increases. Periodically, and in its sole discretion, the City may authorize salary increases for hourly employees when warranted and budgeted.

Because the City does not participate in Social Security, the hourly employee is required to pay 1.45% of salary for Medicare and 5.5% of salary into a deferred compensation plan.

**B. Fair Labor Standards Act (FLSA) Status and Overtime**

Hourly employment is designated as non-exempt and does not qualify for exemption from the overtime provisions of the FLSA. Non-exempt employees have a seven (7) day forty (40) hour work week, established as Saturday through Friday, and are paid overtime pursuant to the FLSA at time and one-half for all hours worked over 40 in a work week.

**C. Sick Leave Benefits**

Sick leave is leave from duty which may be granted by the City to an employee for the following reasons:

- Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee;
- Diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee's family member (defined as parent, child, spouse, registered domestic partner, parent-in-law, sibling, grandchild or grandparent); or
- For an employee who is a victim of domestic violence, sexual assault, or stalking, the purposes as described in Labor Code section 230(c) and Labor Code Section 230.1(a).

Hourly employees accrue sick leave at a rate of .033 hours per hour worked. The maximum number of hours an employee may accrue is 48 hours. When an employee reaches the maximum accrual he/she shall cease earning sick leave until the balance falls below the maximum accrual permitted. Hourly employees hired prior to July 1, 2015



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begin accruing sick leave hours as of June 27, 2015. Hourly employees hired on or after July 1, 2015 begin accruing sick leave hours at the time of employment.

Employees are eligible to use up to 24 hours of accrued sick leave per calendar year for reasons described above. Employees may begin using accrued sick leave after 90 days of employment. Sick leave granted by the City and used by the employee will be deducted from the employee's accrued sick leave balance.

An employee may not draw on future unearned sick leave benefits and in no circumstance may sick leave be advanced to an employee.

Employees leaving the City's employ will forfeit all unused sick leave benefits as of the termination date. Employees rehired within one year of separation will have their sick leave balances reinstated and are eligible to use any previously accrued and unused paid sick leave immediately upon rehiring if they have already met the 90-day employment requirement.

To use sick leave benefits, an employee must notify his/her supervisor, giving reasonable advance notice if the absence is foreseeable. If the absence is unforeseeable, the employee must give notice as soon as practicable.

Hourly employees are not eligible to participate in the Leave Donation Program.

**D. Other Benefits**

Other than sick leave benefits, hourly employees are eligible only for those benefits as mandated by State and/or Federal law.

**V. MISCELLANEOUS**

**A. Work Schedule**

The appointing authority shall, in its sole discretion, determine the work schedule based on the needs of the department and may alter it at any time. Hourly employees have no guarantee of a set number of hours or a specific schedule.

When operationally practical as determined by the hourly employee's supervisor or manager, a paid rest period of fifteen (15) minutes may be allowed during each four (4) hour shift. Such rest period shall be provided in accordance with the requirements of the individual department. Rest periods, if not taken are lost and may not be accumulated to extend lunch hours or to shorten the workday. No additional pay shall accrue to an employee who misses a rest period.

Employees may be provided an unpaid meal period when scheduled to work more than five (5) hours. Such meal period shall be provided in accordance with the requirements of the individual department.

**B. Performance Feedback**



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Hourly employees do not receive regular performance evaluations; however, supervisors are encouraged to provide relevant feedback to employees on work performance and work behavior. Supervisors may document this feedback using a Performance Documentation Form or other acceptable means. This does not alter an hourly employee's at-will status.

#### **C. City Policies Applicable to Hourly Employees**

Where indicated, and without altering an hourly employee's at-will employment status, the City's personnel policies apply to hourly employees and their employment with the City. This includes, but is not in any way limited to, the following policies: Anti-Harassment, Discrimination and Retaliation, Employment of Relatives, Work Rules, Appearance Standards, and Substance Abuse. Hourly employees are expected to familiarize themselves with applicable policies and abide by their terms.

#### **D. Applying for Regular Positions**

Hourly employees are eligible to apply for open, general recruitments for which they meet the qualifications. Hourly employees who have been employed with the City of Visalia on a continuous basis for a minimum of three (3) consecutive months preceding the final filing date are eligible to apply for promotional recruitments.

#### **E. Direct Deposit Requirement**

The City of Visalia requires employees to participate in direct deposit for payroll purposes, and all payroll checks will be paid via direct deposit. It is the employee's responsibility to work directly with a banking institution to establish an account.

#### **F. Separation of Employment**

The hourly employee or the City can at any time terminate the at-will employment relationship without cause or right to appeal or grievance procedures except as otherwise provided by law. When the at-will employment relationship is to be terminated by the City for any reason other than exhaustion of authorized hours, the Human Resources Division must be notified prior to any action taken.

When the at-will employment relationship is terminated, the employee will receive his/her final paycheck on the next regularly scheduled pay day.

When possible, a personnel transaction form should be completed prior to separation, otherwise it must be completed immediately following separation.